

(v) Medical waste generated from households and transported in accordance with applicable state, local, or tribal requirements.

(11) Corpses, remains, and anatomical parts intended for interment, cremation, or medical research at a college, hospital, or laboratory.

(12) Forensic material transported on behalf of a U.S. Government, state, local or Indian tribal government agency, except that—

(i) Forensic material known or suspected to contain a Risk Group 2 or 3 infectious substance must be shipped in a packaging conforming to the provisions of § 173.24.

(ii) Forensic material known or suspected to contain a Risk Group 4 infectious substance or an infectious substance listed as a select agent in 42 CFR Part 72 must be transported in packaging capable of meeting the test standards in § 178.609 of this subchapter. The secondary packaging must be marked with a BIOHAZARD symbol conforming to specifications in 29 CFR 1910.1030(g)(1)(i). An itemized list of contents must be enclosed between the secondary packaging and the outer packaging.

(13) Environmental microbiological samples, such as a sample of dust from a ventilation system or mold from a wallboard, collected to evaluate occupational and residential exposure risks.

(14) Agricultural products and food as defined in the Federal Food, Drug, and Cosmetics Act.

(c) *Exceptions for regulated medical waste.* The following provisions apply to the transportation of regulated medical waste:

(1) A regulated medical waste transported by a private or contract carrier is excepted from—

(i) The requirement for an “INFECTIOUS SUBSTANCE” label if the outer packaging is marked with a “BIOHAZARD” marking in accordance with 29 CFR 1910.1030; and

(ii) For other than a waste culture or stock of an infectious substance, the specific packaging requirements of § 173.197, if packaged in a rigid non-bulk packaging conforming to the general packaging requirements of §§ 173.24 and 173.24a and packaging requirements specified in 29 CFR 1910.1030.

(2) A waste culture or stock of a Risk Group 2 or 3 infectious substance may be offered for transportation and transported as a regulated medical waste when it is packaged in a rigid non-bulk packaging conforming to the general packaging requirements of §§ 173.24 and 173.24a and packaging requirements specified in 29 CFR 1910.1030 and transported by a private or contract carrier using a vehicle dedicated to the transportation of regulated medical waste. Medical or clinical equipment and laboratory products may be transported aboard the same vehicle provided they are properly packaged and secured against exposure or contamination.

(d) If an item listed in paragraph (b) or (c) of this section meets the definition of another hazard class or if it is a hazardous substance, hazardous waste, or marine pollutant, it must be offered for transportation and transported in accordance with applicable requirements of this subchapter.

[67 FR 53138, Aug. 14, 2002, as amended at 68 FR 57632, Oct. 6, 2003; 70 FR 56098, Sept. 23, 2005]

**§ 173.136 Class 8—Definitions.**

(a) For the purpose of this subchapter, “corrosive material” (Class 8) means a liquid or solid that causes full thickness destruction of human skin at the site of contact within a specified period of time. A liquid that has a severe corrosion rate on steel or aluminum based on the criteria in § 173.137(c)(2) is also a corrosive material.

(b) If human experience or other data indicate that the hazard of a material is greater or less than indicated by the results of the tests specified in paragraph (a) of this section, PHMSA may revise its classification or make the determination that the material is not subject to the requirements of this subchapter.

(c) Skin corrosion test data produced no later than September 30, 1995, using the procedures of part 173, appendix A, in effect on September 30, 1995 (see 49 CFR part 173, appendix A, revised as of October 1, 1994) for appropriate exposure times may be used for classification and assignment of packing group for Class 8 materials corrosive to skin.

(d) Steel or aluminum corrosion test data produced no later than September 30, 2005, using the procedures of § 173.137(c)(2), in effect on September 30, 2004 (see 49 CFR 173.137 revised as of October 1, 2003), for appropriate steel or aluminum types may be used for classification and assignment of packing group for Class 8 materials corrosive to steel or aluminum.

[Amdt. 173-224, 55 FR 52634, Dec. 21, 1990, as amended at 56 FR 66270, Dec. 20, 1991; Amdt. 173-234, 58 FR 51532, Oct. 1, 1993; Amdt. 173-241, 59 FR 67508, Dec. 29, 1994; Amdt. 173-261, 62 FR 24732, May 6, 1997; 69 FR 76155, Dec. 20, 2004]

**§ 173.137 Class 8—Assignment of packing group.**

The packing group of a Class 8 material is indicated in Column 5 of the § 172.101 Table. When the § 172.101 Table provides more than one packing group for a Class 8 material, the packing group must be determined using data obtained from tests conducted in accordance with the 1992 OECD Guideline for Testing of Chemicals, Number 404, “Acute Dermal Irritation/Corrosion” (IBR, see § 171.7 of this subchapter) as follows:

(a) *Packing Group I.* Materials that cause full thickness destruction of intact skin tissue within an observation period of up to 60 minutes starting after the exposure time of three minutes or less.

(b) *Packing Group II.* Materials other than those meeting Packing Group I criteria that cause full thickness destruction of intact skin tissue within an observation period of up to 14 days starting after the exposure time of more than three minutes but not more than 60 minutes.

(c) *Packing Group III.* Materials, other than those meeting Packing Group I or II criteria—

(1) That cause full thickness destruction of intact skin tissue within an observation period of up to 14 days starting after the exposure time of more than 60 minutes but not more than 4 hours; or

(2) That do not cause full thickness destruction of intact skin tissue but exhibit a corrosion on steel or aluminum surfaces exceeding 6.25 mm (0.25 inch) a year at a test temperature of 55

°C (130 °F). The corrosion must be determined in accordance with the UN Manual of Tests and Criteria (IBR, see § 171.7 of this subchapter).

[Amdt. 173-224, 55 FR 52634, Dec. 21, 1990, as amended at 56 FR 66270, Dec. 20, 1991; Amdt. 173-241, 59 FR 67508, Dec. 29, 1994; Amdt. 173-261, 62 FR 24733, May 6, 1997; 68 FR 75744, Dec. 31, 2003; 69 FR 76155, Dec. 20, 2004]

**§ 173.140 Class 9—Definitions.**

For the purposes of this subchapter, *miscellaneous hazardous material* (Class 9) means a material which presents a hazard during transportation but which does not meet the definition of any other hazard class. This class includes:

(a) Any material which has an anesthetic, noxious or other similar property which could cause extreme annoyance or discomfort to a flight crew member so as to prevent the correct performance of assigned duties; or

(b) Any material that meets the definition in § 171.8 of this subchapter for an elevated temperature material, a hazardous substance, a hazardous waste, or a marine pollutant.

[Amdt. 173-224, 57 FR 45463, Oct. 1, 1992, as amended by Amdt. 173-231, 57 FR 52939, Nov. 5, 1992; Amdt. 173-233, 58 FR 33305, June 16, 1993]

**§ 173.141 Class 9—Assignment of packing group.**

The packing group of a Class 9 material is as indicated in column 5 of the § 172.101 table.

**§ 173.144 Other Regulated Materials (ORM)—Definitions.**

For the purpose of this subchapter, “ORM-D material” means a material such as a consumer commodity, which, although otherwise subject to the regulations of this subchapter, presents a limited hazard during transportation due to its form, quantity and packaging. It must be a material for which exceptions are provided in the § 172.101 table. Each ORM-D material and category of ORM-D material is listed in the § 172.101 table.

**§ 173.145 Other Regulated Materials—Assignment of packing group.**

Packing groups are not assigned to ORM-D materials.